

FOREIGNERS—CUBAN EXPEDITION.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A report from the First Comptroller in reference to such of the Cuban prisoners as were foreigners, &c.

JULY 7, 1852.

Referred to the Committee on Foreign Affairs, and ordered to be printed.

To the Senate and House of Representatives :

By an act of Congress approved on the 10th day of February, 1852, an appropriation of six thousand dollars was made for the relief of *American citizens*, then lately imprisoned and pardoned by the Queen of Spain, intended to provide for the return of such of the Cuban prisoners as were citizens of the United States, who had been transported to Spain and there pardoned by the Spanish government. It will be observed that no provision was made for such foreigners or aliens as were engaged in the Cuban expedition, and who had shared the fate of American citizens, for whose relief the said act was intended to provide. I now transmit a report from the First Comptroller, with accompanying papers, from which it will be perceived that fifteen foreigners were connected with that expedition who were also pardoned by the Queen of Spain, and have been transported to the United States under a contract made with our Consul at an expense of \$1,913 34, for the payment of which no provision has been made by law. The Consul having evidently acted with good intentions, the claim is submitted for the consideration of Congress.

MILLARD FILLMORE.

WASHINGTON, July 2, 1852.

TREASURY DEPARTMENT, COMPTROLLER'S OFFICE,
June 26, 1852.

It having been your pleasure, through the Department of State, to confide to the Fifth Auditor, under the revision of the First Comptroller, subject to the power conferred on the President by the act of February 10, 1852, the settlement of such claims as are provided for in said act, I deem it to be incumbent on me to inform the President that Horatio J. Sprague, esq., United States consul at Gibraltar, under instructions from Mr. Barringer,

American minister at the court of Madrid, has incurred an expense in regard to the fifteen Cuban prisoners being foreigners, which cannot be paid without the further action of Congress.

The act referred to, appropriated six thousand dollars for the relief of American citizens lately imprisoned and pardoned by the Queen of Spain, (and who are out of the United States,) the same to be expended under the direction of the President of the United States. On the 15th of April last, Mr. Sprague, consul as aforesaid, under the instructions of Mr. Barringer, made a contract in writing with Captain Hiram B. Bangs, master of the American barque Rienzi, of Boston, in which contract the said Bangs agreed to provision and convey from Gibraltar to Boston a number of individuals expected from Ceuta, not to exceed nineteen in number, at and for the consideration of thirty-two dollars per each person so conveyed and supported, to be paid for by the United States.

The United States were to be at the expense of putting up extra berths. Fifteen persons only were put on board of said barque, and four were afterwards removed and transferred to the barque Ariana, bound for New York. These four were landed in New York, and the other eleven in Boston. The owners of the barque Rienza claim a compensation for transporting nineteen persons, that being the maximum number mentioned in the contract, and Mr. Barringer recommends that the payment be based on that number of persons having been transported and supplied with provisions.

It is alleged in the papers, that there was a verbal understanding that the compensation was to be for transporting nineteen persons.

The contract is explicit that the United States are to pay thirty-two dollars for each person transported, and in my opinion it should not be varied by any verbal agreement or understanding.

The transporting of fifteen persons, at \$32 each, is-----	\$480 00
The expense incurred for them at Gibraltar by the consul, for	
which he has drawn a draft, was-----	533 34

1,013 34

These persons were reported by Mr. Barringer to be foreigners. They went from the United States with American citizens, invaded Cuba, fought, and were captured with them. The Queen of Spain pardoned all the prisoners that were sent to Spain from Cuba, except the Hungarians and Cubans, on the application of the United States.

It is stated in the despatches that it would have been improper to permit these persons to be a charge in their destitute condition, to the subjects of the Queen of Spain, and that the minister and consul could only have sent them to the United States.

This will be accompanied by copies of the following papers:

1. Mr. Sprague to Mr. Barringer, April 15, 1852.
2. Copy of the contract mentioned.
3. Mr. Barringer to Mr. Webster, April 24, 1852.
4. Mr. Barringer to Mr. Greeley, collector of Boston, April 27, 1852.
5. Account of Mr. Sprague for expenses incurred for said prisoners.
6. Draft for the payment of the said expense.
7. Mr. Sprague to Mr. Barringer, with a list of the names of the prisoners sent by the barque Rienzi and the barque Ariana, April 17, 1852.
8. Mr. Barringer to Mr. Sprague, April 22, 1852.

There are other despatches and letters, copies of which will be furnished if deemed by the President to be necessary.

Mr. Barringer and Mr. Sprague prosecuted such measures as they supposed would be most acceptable to their government, in which they hoped to be sustained and protected from pecuniary liability or loss.

Most respectfully and sincerely yours,

ELISHA WHITTLESEY.

To the PRESIDENT.

No. 1.

CONSULATE OF THE UNITED STATES,
Gibraltar, April 15, 1852.

SIR: I beg to wait upon you with a copy of an agreement which I have this day entered into with the master of the American barque Rienzi, now in this port and bound for Boston, for conveying the foreign pardoned prisoners thither, provided I have them here for transhipment by 10 o'clock in the morning of the 17th instant.

I have, in consequence, this day chartered a Spanish craft and despatched her at 1 p. m. for Ceuta, with an urgent request to the commandant general of that fortress, to forward me at once by said craft, all the pardoned prisoners according to your list, who may wish to proceed to the United States, and I shall be much disappointed if they are not here by to-morrow evening. The Rienzi is a fine handsome barque of over four hundred tons burden, and her master shows every disposition to please. It has been the best arrangement I have been able to make on behalf of the government of the United States; and fearing that much delay might be experienced before securing another fit conveyance to carry out your instructions, I have acceded to the conditions and stipulations contained in the written agreement, which I hope will meet your excellency's approval, and I sincerely trust that it may be in my power by next mail to inform you of the final departure to the United States of the aforesaid pardoned prisoners.

I am, sir, very respectfully, your obedient servant,

HORATIO J. SPRAGUE.

P. S. Under date of the 7th instant, the governor of Ceuta informs me that he was quite ready to meet my instructions at any moment for the forwarding of the pardoned prisoners to this port.

H. J. S.

His Excellency D. M. BARRINGER,
Minister of the United States, Madrid.

No. 2.

CONSULATE OF THE UNITED STATES OF AMERICA,
Gibraltar, April 15, 1852.

It is this day mutually agreed between Horatio James Sprague, consul of the United States of America for this port of Gibraltar, as agent for the government of the United States, and with the authority of his Excellency D. M. Barringer, minister of the United States at the court of Madrid, and Captain Hiram B. Bangs, master of the American barque "Rienzi," of

Boston, now lying in this port, and about to proceed to the port of Boston, in the United States of America, that the said barque Rienzi shall be in a fit and seaworthy condition for the prosecution of her present voyage, and shall remain in this port until ten o'clock of the forenoon of the 17th inst., to receive on board as passengers for Boston, certain individuals expected from Ceuta, not to exceed nineteen in number, who are to be maintained on board of the said barque, at her expense, until her safe arrival at Boston; the master of the barque Rienzi binding himself to provide the said passengers with sufficient good and wholesome food and provisions, fresh water and accommodation on board, as may be fully necessary for the sustenance and comfort of the aforesaid individuals as required by the laws of the United States; and in consideration thereof the said master shall receive the sum of (\$32) say thirty-two dollars for each passenger so consigned to Boston, payable on his draft on the Treasury Department of the United States at Washington, on his producing at the time a certificate from the collector of Boston of the due landing of each individual at that port.

It is also agreed between the contracting parties, that the expense of carpentry work on board of said barque in putting up extra berths shall be on account of the government of the United States; and in case the said individuals from Ceuta should not reach this port previous to the forenoon of the 17th instant, then the said Captain H. B. Bangs to be at liberty to cancel the present agreement.

It is further agreed that the said master is to be advanced at this port, on account of the passage-money to be earned, the necessary funds that he may actually require to obtain provisions, &c., for the said passengers, not to exceed (\$300) say three hundred dollars. Penalty for non-performance of this agreement, the sum of \$600.

HIRAM B. BANGS.

HORATIO J. SPRAGUE,

U. S. Consul, Gibraltar.

Signed and delivered in presence of—

JOHN HURSALD.

MD. BENLUMAN.

No. 3.

[No. 98.]

LEGATION OF THE UNITED STATES,

Madrid, April 24, 1852.

SIR: I have heretofore informed you of the pardon by her Catholic Majesty of all the foreign prisoners engaged in the late Cuban expedition, except the *Hungarians* and *Cubans*.

I have now the honor to transmit herewith, copies of the additional correspondence on this subject with the consul of the United States at Gibraltar, which has taken place with that officer, to the 22d instant inclusive, and from which you will learn what arrangements have been made for the transportation to the United States of such of the said prisoners as have wished to return to our country, and also what liabilities have been incurred by our government on account of the same.

I have the honor to remain, with the highest respect, sir, your obedient servant,

D. M. BARRINGER.

Hon. DANIEL WEBSTER,

Secretary of State.

No. 4.

LEGATION OF THE UNITED STATES,

Madrid, April 27, 1852.

SIR: The American barque Rienzi, Hiram S. Bangs, master, left the port of Gibraltar on the 21st instant, having on board eleven of the prisoners engaged in the late Cuban expedition under Narciso Lopez, at Bahia Honda, and recently pardoned by her Catholic Majesty at the instance of the government of the United States. The contract in the possession of the said master, and made with the consul of the United States at Gibraltar, will advise you what is necessary to be done on your part to enable him to get the price of the transportation, as agreed upon by the parties. By consent of the consul, four of the fifteen prisoners delivered to him were transferred to the barque Ariana, of and for New York, Captain Wade, at the expense of the master of the Rienzi.

The consul at Gibraltar having guaranteed to the master of the Rienzi nineteen of these late prisoners as passengers, at thirty-two dollars each, and there being only fifteen delivered to him, the said master expects to be paid for the said number of nineteen. I recommend that this charge for nineteen be paid to him accordingly, on the delivery of the passengers in pursuance of the contract.

I am, sir, your obedient servant,

D. M. BARRINGER.

To PHILIP GREELEY, Jr., Esq.,

Collector of the port of Boston, &c., &c.

The Government of the United States of America

To Horatio J. Sprague, United States consul, Dr.

For the following expenses incurred for the conveyance to the United States of 15 pardoned prisoners, arrived at this port from the prisons of Ceuta, agreeably to instructions from his Excellency D. M. Barringer, United States minister at the court of Madrid, dated March 26, 1852:	
Paid Patron Alberto Linarez, for conveying to Gibraltar, from Ceuta, 15 pardoned prisoners, per voucher No. 1	\$88 00
Paid Captain Hiram B. Bangs, per receipt annexed to the within charter-party, as an advance on the passage-money of 15 pardoned prisoners, per barque Rienzi, for Boston, and per barque Ariana, for New York, per voucher No. 2	300 00
Paid Alberto Chiara, for cost of deal-boards, nails and sundry carpentry work, putting up berths on board barque Rienzi, per voucher No. 3	84 15
Paid James Hadida, for his bill for clothing, bedding and other articles furnished 15 pardoned prisoners, per voucher No. 4	124 55
Paid J. Miller, for sundry portrages and boat-hires, in carrying sundries, per voucher No. 5	11 25
	507 35
Commission, 5 per cent.	25 39
	533 34

Received payment in my draft at 30 days on the Secretary of State of the United States of America, Washington, for an equivalent amount.

CONSULATE UNITED STATES OF AMERICA,

Gibraltar, April 19, 1852.

No. 6.

Copy of Draft.

No. —. Exchange for \$533 34.

CONSULATE OF THE UNITED STATES,
GIBRALTAR, 19th April, 1852.

At thirty days sight, pay this first of exchange, second and third unpaid, to the order of Homer and Sprague, the sum of five hundred and thirty-three dollars and thirty-four cents, being for expenses disbursed by order of his Excellency D. M. Barringer, United States minister at Madrid, value in account, which place to account as advised per despatch No. 26.

HORATIO J. SPRAGUE,
U. S. Consul.

To the Hon. the SECRETARY of the United States of America, Washington City, D. C.

Endorsed on back, "Homer & Sprague."

 No. 7.
CONSULATE OF THE UNITED STATES OF AMERICA,
GIBRALTAR, 17th April, 1852.

SIR: Since the date of my communication of the 15th instant, the pardoned foreign prisoners have arrived from Ceuta, say fifteen in number, and I beg to enclose a list of their names. They were immediately transhipped on board of the barque "Rienzi," and are now only waiting a fair wind to proceed to Boston. I have attended to their actual wants and shall in due course forward to your excellency a statement of the clothing furnished to them, with the necessary vouchers.

The Governor of Ceuta never having made any remarks to me on the list of the nineteen names of prisoners which I forwarded to him on receipt of your excellency's instructions, I verbally guaranteed to the master of the Rienzi nineteen passengers at thirty-two dollars each. He expects to be paid for that number. I have, therefore, to solicit the favor of your excellency's announcing this fact to the Treasury Department of the United States at Washington, so that there may be no difficulty in the collection of the passage money on the arrival of the Rienzi at Boston.

The Governor of Ceuta now informs me that the three individuals included in your excellency's list, named Michael Geiger, William Salerot, and Nicholas Port, have never entered the prisons of Ceuta, and that George Schmit's true name is Jacob Heverte, who, being a French subject, has received his pardon and is now at the disposal of the French consul of Andalusia. I am also informed by the individuals on board of the Rienzi that Nicholas Port was set at liberty on his arrival at Cadiz, previous to their leaving that port for Ceuta; but that there still remain in the Ceuta prison two Germans named Jacob Gersler, of Ninstein Heissen Damstadt, and Conrad Eichla, of Manz, who should have been included with them in

the general pardon, and who, perhaps, are the two individuals not accounted for, according to the list of names forwarded by your excellency.

I am, sir, respectfully, your obedient servant,

HORATIO SPRAGUE,

U. S. Consul.

His Excellency D. M. BARRINGER,

United States minister, &c., Madrid.

P. S. Since writing the foregoing, the master of the barque Rienzi has called at this consulate to state that by putting any of the passengers between decks, he violates his charter party, hence is ready to make a sacrifice, and begs to be permitted, at his own expense, to transfer four of the passengers on board of the American barque Ariana of and for New York, Capt. Wade, which vessel is also in this port to start the first fair wind. I have acceded to Capt. Bang's request, as this transfer will not cause any extra expense whatever to our government, and the comfort of the passengers is likely to be benefitted by it. The enclosed list containing the names of the individuals in question, will show how the party has been divided on board of the barque Rienza and Ariana.

HORATIO J. SPRAGUE.

List of the pardoned prisoners arrived at Gibraltar from Ceuta on the 16th April, 1852, per Spanish craft San Ramon, and placed on board of the American barques Rienzi and Ariana for the United States.

For Boston, per barque Rienzi:—

- | | |
|---------------------|--------------------|
| 1. Alex. Hagin, | 6. Henry Schmit, |
| 2. Luis Bawdn, | 7. Iyrack Schupth, |
| 3. Charles Mill, | 8. Edw. Urx, |
| 4. Jacob Fonts, | 9. Richard Nelson, |
| 5. Conrad Taylor, | 10. Lewis Hagan, |
| 11. Robert Schlutt. | |

For New York, per barque Ariana:

- | | |
|---------------------|------------------------|
| 1. Harge Schnet, | 3. Michael Bero, |
| 2. Conrad Paratolt, | 4. Pedro Manuel Lopez. |

No. 8.

LEGATION OF THE UNITED STATES,

Madrid, April 22, 1852.

SIR: Your several communications of the 15th and 17th inst., have been received with their enclosures.

The course you have pursued in reference to the arrangements for the return of the foreign pardoned prisoners at Ceuta meets my entire approbation. The list of prisoners forwarded to you did not purport to be exact or complete in every respect, and was only intended to serve as a guide to

you in the reception of such as might be delivered, and were embraced in the recent pardon by her Catholic Majesty.

This pardon comprehended in its terms all the remaining foreign prisoners engaged in the Lopez expedition at Bahia Honda, except *the Hungarians and Cubans*. If therefore there be others, not belonging to either of those two classes, who may yet be delivered to you under this pardon, and who may wish to go to the United States, whence they embarked in the said expedition against the island of Cuba, you will make provision on this behalf similar to that which has just been effected for the transportation of those referred to in your said communications to me.

This instruction will, I presume, embrace the cases of Jacob Gessler (or Gessert) and Conrad Eichla, the two prisoners mentioned by you as not included in the list heretofore sent to you. I suggest that it would be well for you to correspond with the governor of the fortress at Ceuta on this subject.

I remain with great respect, sir, your obedient servant,

D. M. BARRINGER.

To H. J. SPRAGUE, Esq.,

Consul of the United States, Gibraltar.